

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE

PL 286

S.P. 477 - L.D. 1439

An Act To Protect Young Drivers and Passengers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §1304, sub-§1, ¶H, as amended by PL 1999, c. 545, §1, is further amended to read:

H. A person under 21 years of age may not apply for a license unless:

(1) A period of -3- 6 months has passed from the date the person was issued an instruction permit; and

(2) The person has completed a minimum of 35 hours of driving, including 5 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

Sec. 2. 29-A MRSA §1304, sub-§1, ¶I is enacted to read:

I. A person who has been issued an instruction permit may not operate a motor vehicle while using a mobile telephone. For the purpose of this paragraph, "mobile telephone" means a device used to access a wireless telephone service.

A person who violates this paragraph commits a traffic infraction.

Sec. 3. 29-A MRSA §1310, as amended by PL 2001, c. 361, §29, is repealed.

Sec. 4. 29-A MRSA §1311 is enacted to read:

§1311. Intermediate license

1. Restricted license. A person under 18 years of age who has been issued a driver's license may not:

A. Carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E;

B. Operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; or

C. Operate a motor vehicle while using a mobile telephone.

For the purpose of this paragraph, "mobile telephone" means a device used to access a wireless telephone service.

2. Period of restrictions. Unless extended pursuant to subsection 3, the license restrictions in subsection 1 are in effect for a period of 180 days from license issuance.

3. Extension of restrictions. A person who is adjudicated for violating this section must have the license restrictions in subsection 1 extended for an additional period of 180 days. The additional period of license restrictions may extend beyond the person's 18th birthday. Any violation of the license restrictions during the period of this extension must result in a further extension of the license restrictions pursuant to this section.

4. Penalty. A person who violates this section commits a traffic infraction.

Sec. 5. 29-A MRSA §2471, sub-§2, as amended by PL 1997, c. 737, §14, is further amended to read:

2. **Suspension terms.** If a person is convicted or adjudicated of a moving motor vehicle violation that occurred during the period of the provisional license, the Secretary of State shall suspend the license without right to hearing:

A. For ~~60~~ 30 days on the 1st offense;

B. For ~~90~~ 60 days on the 2nd offense; and

C. ~~To the 2nd birthday following the date of issue or for 120 days, whichever is longer,~~ For 90 days on the 3rd offense.

~~A person whose provisional license is suspended may request a hearing pursuant to section 2483.~~

Sec. 6. 29-A MRSA §2472, sub-§2, as amended by PL 1997, c. 737, §16, is further amended to read:

2. **Suspension terms for moving violations.** If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within ~~the first year from the date of issue of a juvenile provisional license issued prior to August 1, 1998 or within 2 years from the date of issue of a juvenile provisional license issued after July 31, 1998,~~ the Secretary of State shall suspend the license without right to hearing:

A. For ~~60~~ 30 days on the 1st offense;

B. For ~~90~~ 60 days on the 2nd offense; and

C. ~~To the 2nd birthday following the date of issue or for 120 days, whichever is longer,~~ For 90 days on the 3rd offense.

~~A person whose juvenile provisional license is suspended may request a hearing pursuant to section 2483.~~

In House of Representatives, May 19 2003

Read twice and passed to be enacted.

..... Albio S. Garza ..... Speaker  
pro tempore

In Senate, ..... MAY 20 2003 ..... 2003

Read twice and passed to be enacted.

..... Barry C. D'Arco ..... President

Approved ..... 5/23 ..... 2003

..... John S. Salas ..... Governor